

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of

David G. Huckle

A Former Officer of
Citizens Savings Bank, FSB
Ithaca, New York
(DKT NO. 07424)

Re: OTS Order No. NE95-16

Dated: December 1, 1995

STIPULATION AND CONSENT TO
ENTRY OF AN ORDER OF PROHIBITION

WHEREAS, the Office of Thrift Supervision ("OTS"), based upon information derived from the exercise of its regulatory responsibilities, has informed DAVID G. HUCKLE, a former officer of CITIZENS SAVINGS BANK, FSB, Ithaca, New York, OTS No. 07424 ("the Association"), that the OTS is of the opinion that the grounds exist to initiate an administrative proceeding against DAVID G. HUCKLE for the issuance of an administrative prohibition order, pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. §1818(e)¹; and

WHEREAS, DAVID G. HUCKLE desires to cooperate with the OTS to avoid the time and expense of such administrative litigation.

NOW, THEREFORE, DAVID G. HUCKLE, without either admitting or denying that such grounds exist or the factual findings herein, hereby stipulates and agrees to the following:

1. All references in this Stipulation and Consent and the Order of Prohibition to the U.S.C. are as amended.

1. Jurisdiction.

(a) The Association, at all relevant times, was a "savings association" within the meaning of Section 3(b) of the FDIA, 12 U.S.C. §1813(b), and Section 2(4) of the Home Owners' Loan Act, 12 U.S.C. §1462(4). Accordingly, it is an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, 12 U.S.C. §1813(c).

(b) DAVID G. HUCKLE, as a former senior vice president of the Association, having been terminated therefrom effective December 31, 1993, was an "institution-affiliated party" as that term is defined in Section 3(u) of the FDIA, 12 U.S.C. §1813(u), having served in such capacity within six years of the date hereof (see 12 U.S.C. §1818(i)(3)).

(c) Pursuant to Section 3(q) of the FDIA, 12 U.S.C. §1813(q), the OTS is the "appropriate Federal banking agency" to maintain an enforcement proceeding against such a savings association and/or its institution-affiliated parties. The Director of the OTS has delegated to the Regional Directors of the OTS the authority to issue an order of prohibition where the respondent has consented to the issuance of the order. Therefore, DAVID G. HUCKLE is subject to the authority of the OTS to initiate and maintain a prohibition proceeding against him pursuant to Section 8(e) of the FDIA, 12 U.S.C. §1818(e).

2. OTS Findings of Fact. The OTS finds (which findings DAVID G. HUCKLE does not admit or deny) that during 1992 and 1993,

while employed by the Association as its senior vice president, DAVID G. HUCKLE: (a) allegedly made improper withdrawals from accounts maintained at the Association for which he served as a fiduciary in his personal capacity; and (b) failed to assure that he reimbursed the Association on a timely basis for car lease payments rendered on his behalf by the Association.

3. Consent. DAVID G. HUCKLE consents to the issuance by the OTS of the accompanying Order of Prohibition ("Order"). He further agrees to comply with its terms upon issuance and stipulates that the Order (including OTS' issuance thereof) complies with all requirements of law.

4. Finality. The Order is issued by the OTS under the authority of Section 8(e) of the FDIA, 12 U.S.C. §1818(e). Upon its issuance by OTS through its Regional Director for the Northeast Region, OTS, it shall be a final order, effective and fully enforceable by the OTS under the provisions of Section 8(i) of the FDIA, 12 U.S.C. §1818(i).

5. Waivers. DAVID G. HUCKLE voluntarily and knowingly waives the following:

(a) the right to be served with a written notice of the OTS's charges against him (referred to as a Notice of Intention to Prohibit) (see Section 8(e) of the FDIA, 12 U.S.C. § 1818(e));

(b) the right to an administrative hearing of the OTS's charges against him (see Section 8(e) of the FDIA, 12 U.S.C. §§ 1818(e) and 1818(h)(1)); and

(c) the right to seek judicial review of the Order, including, without limitation, any such right provided by Section 8(h) of the FDIA, 12 U.S.C. §1818(h), or otherwise to challenge the validity of the Order.

6. Indemnification. DAVID G. HUCKLE shall neither cause nor permit the Association (or any subsidiary thereof) to incur, directly or indirectly, any expense for any legal expenses (or other professional expenses) incurred relative to the negotiation and issuance of the Order, nor apply for or obtain any indemnification (or other reimbursement) from the Association (or any subsidiary thereof) with respect to such expenses. Any such payments received by or on behalf of Mr. Huckle in connection with this action shall be returned to the Association.

7. Other Government Actions Not Affected. DAVID G. HUCKLE acknowledges and agrees that his consent to the entry of the Order is solely for the purpose of resolving the OTS' claims against him, as provided in Paragraph 1 hereof, and does not release, discharge, compromise, settle, dismiss, resolve, or in any way affect any actions, claims, charges against, or liability of DAVID G. HUCKLE that arise in connection with his former relationship with the Association, and that may be or have been brought by the Resolution Trust Corporation or any other government entity other than the OTS.

8. Acknowledgment of Criminal Sanctions. DAVID G. HUCKLE acknowledges that Section 8(j) of the FDIA, 12 U.S.C. §1818(j),

sets forth criminal penalties for knowing violations of this Order.

9. Miscellaneous.

(a) The construction and validity of this Stipulation and the Order shall be governed by the laws of the United States of America.

(b) All references to the OTS in this Stipulation and the Order shall also mean any of OTS' predecessors, successors, and assigns.

(c) The section and pragraph headings in this Stipulation and Order are for convenience only, and such headings shall not affect the interpretation of this Stipulation or the Order.

(d) The terms of this Stipulation and the Order represent the final written agreement of the parties with respect to the subject matters hereof, and constitute the sole agreement of the parties with respect to such subject matters.

WHEREFORE, on this ~~14~~ day of November, 1995, DAVID G. HUCKLE executes this Stipulation and Consent to Entry of an Order of Prohibition, intending to be legally bound hereby.

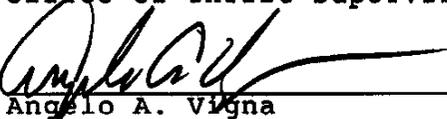
By:



David G. Huckle

Accepted by:

Office of Thrift Supervision



Angelo A. Vigna
Regional Director
Northeast Region

Date: 12/1/95

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A Former Officer of)
Citizens Savings Bank, FSB)
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(DKT NO. 07424))

OTS Order No. NE95-16

Dated: December 1, 1995

CONSENT ORDER OF PROHIBITION

WHEREAS, DAVID G. HUCKLE, until December 31, 1993, served as a senior vice president of CITIZENS SAVINGS BANK, FSB ("the Association"), which was a federally insured savings bank that maintained its home office in Ithaca, New York; and

WHEREAS, in accordance with the Home Owners' Loan Act, the Office of Thrift Supervision ("OTS") regulated and supervised the Association; and

WHEREAS, the OTS, based on its examination and other inquiries concerning the Association, has found that DAVID G. HUCKLE allegedly made improper withdrawals from accounts maintained at the Association for which he served as a fiduciary in his personal capacity and failed to assure that he reimbursed the Association on a timely basis for car lease payments rendered on his behalf by the Association; and

WHEREAS, based on the aforesaid findings, the OTS is of the opinion that the grounds exist for it to seek administrative relief against DAVID G. HUCKLE, pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e); and

WHEREAS, DAVID G. HUCKLE, by his execution of the accompanying Stipulation, has consented and agreed to the issuance by the OTS of this CONSENT ORDER OF PROHIBITION ("Order"), pursuant to Section 8(e) of the FDIA, 12 U.S.C. §1818(e); and

NOW THEREFORE, IT IS ORDERED that:

1. DAVID G. HUCKLE is and shall be subject to the statutory prohibitions provided by Section 8(e)(6) of the FDIA, 12 U.S.C. § 1818(e)(6). Due to, and without limitation on, the operation of 12 U.S.C. §§ 1818(e)(6) and 1818(e)(7), DAVID G. HUCKLE, except upon the prior written consent of the OTS (acting through its Director or an authorized representative thereof) and any other "appropriate Federal financial institutions regulatory agency," for purposes of 12 U.S.C. § 1818(e)(7)(B)(ii), shall not:

(A) hold any office in, or participate in any manner in the conduct of the affairs of, any institution or agency specified in 12 U.S.C. § 1818(e)(7)(A) (the "Paragraph (7)(A) Institutions"), including but not limited to:

(i) any insured depository institution, e.g., savings and loan associations, savings banks, national banks,

- trust companies, and other banking institutions;
- (ii) any institution treated as an insured bank under 12 U.S.C. §§ 1818(b)(3), (b)(4), or as a savings association under Section 12 U.S.C. § 1818(b)(9), e.g., subsidiaries and holding companies of banks and savings associations;
 - (iii) any insured credit union under the Federal Credit Union Act, 12 U.S.C. §§ 1751 et seq.);
 - (iv) any institution chartered under the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 et seq.);
 - (v) any appropriate Federal financial institutions regulatory agency within the meaning of 12 U.S.C. § 1818(e)(7)(D);
 - (vi) the Federal Housing Finance Board and any Federal Home Loan Bank; and
 - (vii) the Resolution Trust Corporation.

(B) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any Paragraph (7)(A) Institution;

(C) violate any voting agreement previously approved by the "appropriate Federal banking agency" with the meaning of 12 U.S.C. § 1813(q); or

(D) vote for a director, or serve or act as an "institution-affiliated party, as that term is defined at 12 U.S.C.

§ 1813(u), e.g., a director, officer, employee, controlling stockholder of, or agent for, and insured depository institution.

2. DAVID G. HUCKLE, for a period of ten (10) years from and after the effective date hereof as shown below, shall neither serve nor act as a fiduciary or in a fiduciary capacity with respect to, in connection with, or on behalf of any account maintained at, by, or on behalf of any Paragraph (7)(A) Institution. Nothing contained in this Paragraph 2 shall apply to an account of DAVID G. HUCKLE or of an account of an immediate family member or members.

3. Due to the issuance of this Order, DAVID G. HUCKLE is a person "subject to an order in effect under subsection (e) of [Section 8 of the FDIA]" for purposes of Section 8(j) of the FDIA, 12 U.S.C. § 1818(j).

4. DAVID G. HUCKLE shall promptly respond to any request from the OTS for sworn testimony or documents that the OTS reasonably requests to demonstrate compliance with this Order.

5. The Stipulation is made a part hereof and is incorporated herein by this reference.

6. This Order shall become effective on the date it is issued, as shown below, and it shall remain effective and enforceable except to such extent as it is modified or terminated by action of the OTS (or other appropriate action), as provided by 12 U.S.C. § 1818(e)(4).

SO ORDERED on this 15th day of December, 1995.

OFFICE OF THRIFT SUPERVISION

By: 

Angelo A. Vigna
Regional Director
Northeast Region